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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON, AT SEATTLE**

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10 BOARD OF TRUSTEES OF THE  
11 EMPLOYEE PAINTERS' TRUST; BOARD  
12 OF TRUSTEES OF THE RESILIENT FLOOR  
13 COVERING PENSION FUND; BOARD OF  
14 TRUSTEES OF THE DISTRICT COUNCIL  
15 NO. 5 APPRENTICESHIP AND TRAINING  
16 TRUST FUND; BOARD OF TRUSTEES OF  
17 THE FINISHING TRADES INSTITUTE;  
18 BOARD OF TRUSTEES OF THE PAINTERS  
19 AND ALLIED TRADES LABOR-  
20 MANAGEMENT COOPERATION  
21 INITIATIVE; NORTHWEST FLOOR  
22 COVERING INDUSTRY ASSOCIATION;  
23 INTERNATIONAL UNION OF PAINTERS  
24 AND ALLIED TRADES DISTRICT  
25 COUNCIL NO. 5,

Plaintiffs,

vs.

CASCADE FLOORING OF THURSTON  
COUNTY, LLC, a Washington limited liability  
company; ERIK WAYNE WORDEN, an  
individual; DOES & ROES I-X,

Defendants.

CASE NO.: 2:23-cv-01802-KKE

**STIPULATION AND ORDER TO STAY  
CASE PENDING COMPLETION OF A  
PAYROLL COMPLIANCE AUDIT**

STIPULATION AND ORDER TO STAY CASE  
PENDING COMPLETION OF A PAYROLL  
COMPLIANCE AUDIT

Case No. 2:23-cv-01802-KKE

**STIPULATION AND ORDER TO STAY CASE PENDING COMPLETION OF A  
PAYROLL COMPLIANCE AUDIT**

The Plaintiffs, the Board of Trustees of the Employee Painters' Trust, Board of Trustees of the Resilient Floor Covering Pension Fund, Board of Trustees of the District Council No. 5 Apprenticeship and Training Trust Fund, Board of Trustees of the Finishing Trades Institute, Board of Trustees of the Painters and Allied Trades Labor-Management Cooperation Initiative, Northwest Floor Covering Industry Association, and International Union of Painters and Allied Trades District Council No. 5 (collectively "Plaintiffs"), acting by and through their Counsel, Christensen James & Martin and The Urban Law Firm, and Defendants, Cascade Flooring of Thurston County, LLC ("Cascade Flooring"), a Washington limited liability company, and Erik Wayne Worden ("Worden" and together with Cascade Flooring, "Defendants"), an individual, hereby stipulate as follows:

1. The Plaintiffs, as employee benefit trust funds governed by the Employee Retirement Income Security Act ("ERISA"), have alleged the right to review the employment, payroll, and contract records of contributing employers, such as Defendant Cascade Flooring, to ensure compliance with the terms and conditions of applicable collective bargaining agreements and trust agreements. Such a payroll compliance review is commonly called an "Audit."

2. Plaintiffs and Defendants have agreed to perform an audit of Defendant Cascade Flooring's records for the period of January 1, 2021 through the present ("Audit Period"), which is currently in process.

3. This Stipulation to Stay is for the purpose of allowing time to complete the Audit without expending resources in discovery and protracted litigation and is not an admission of liability, waiver of defenses, or modification of any collective bargaining agreement or trust agreement on the part of any party.

4. The parties agree that the deadline for Defendants to file an answer or responsive pleading and all other case deadlines shall be stayed for ninety (90) days from the date of entry of Order on this Stipulation to allow time for the Audit to be completed.

5. At the end of the stay, the parties will file a Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f) to update the Court on the status of the Audit and whether the case will proceed to discovery.

6. The stay does not apply to any motions that may be brought by Plaintiffs to compel compliance with this Stipulation and the disclosure of necessary audit information should the Defendants fail to cooperate with the Auditor and Plaintiffs' Counsel in completing the Audit.

DATED this 19th day of March, 2024.

CHRISTENSEN JAMES & MARTIN

By: \_\_\_\_\_

Wesley J. Smith, Esq.  
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*Counsel for Plaintiffs*

DATED this 19th day of March, 2024.

CASCADE FLOORING OF THURSTON COUNTY, LLC

By: \_\_\_\_\_

Erik Wayne Worden  
2501 NE Kresky Ave., Ste. F  
Chehalis, WA 98532-2414  
P. (206) 423-8269  
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ERIK WAYNE WORDEN  
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### **ORDER**

Good Cause Appearing, Defendants Cascade Flooring of Thurston County, LLC and Erik Wayne Worden shall submit to and cooperate with the audit in accordance with the foregoing

STIPULATION AND ORDER TO STAY CASE  
PENDING COMPLETION OF A PAYROLL  
COMPLIANCE AUDIT

Case No. 2:23-cv-01802-KKE

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*Counsel for the Plaintiffs*

1 Stipulation, and this Case and all deadlines shall be extended and stayed for a period of ninety  
2 (90) days in accordance with the Stipulation. All other provisions of the Stipulation are also  
3 approved and Ordered.

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5 DATED this 20th day of March, 2024.

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Kimberly K. Evanson  
United States District Judge

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11 Presented by:

12 CHRISTENSEN JAMES & MARTIN

13 By: /s/ Wesley J. Smith  
14 Wesley J. Smith, Esq.  
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